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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,936	12/10/2003	Gurinder Singh Kahlon	10541-1927	2057

29074 7590 10/06/2004
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EXAMINER

PANG, ROGER L

ART UNIT	PAPER NUMBER
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3681

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/731,936

Applicant(s)

KAHLON ET AL.

Examiner

Roger L Pang

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NY

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 14, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 16 and 19-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2-23-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

The following action is in response to application 10/731,936 filed on December 10, 2003.

Claim Objections

Claim 20 is objected to because of the following informalities: on line 5, the word --than-- should be inserted after "greater." Appropriate correction is required.

Claim Rejections - 35 USC § 103

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala in view of Kato. With regard to claim 14, Fiala teaches a method for starting a vehicle comprising a vehicle engine 1, a starter motor 2' linked to said vehicle engine through an engine clutch 2/3, and a plurality of vehicle systems (Fig.) linked to said starter motor, said method comprising the steps of: starting said starter motor (Col. 5, line 32); checking the status of one or more of said vehicle systems 5,7,10,11 to determine whether said vehicle engine should be started; and applying a torque to said vehicle engine by connecting said vehicle engine with said starter motor through said engine clutch (Col. 5, lines 37-40). Fiala lacks the teaching of confirming whether said vehicle has successfully started. Kato teaches an engine starting control comprising an engine 10 and starter motor 60, wherein an engine is started by said motor and it is confirmed whether said engine has successfully started 111. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Fiala to employ the confirmation test in view of Kato in order to ensure the vehicle is operating properly. With regard to claim 15, Fiala teaches the method, comprising the steps of: providing a multi-position

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ignition switch 5 linked to said starter motor; recognizing the initial status of one or more of said vehicle systems required to start said vehicle engine 11; and detecting whether said multi-position ignition switch is in a pre-determined position 5.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala in view of Kato as applied to claim 14 above, and further in view of Heidemeyer. Fiala teaches the method, wherein said vehicle further comprises a set of gears 4 linked to said starter motor, said initial status of one or more of said vehicle systems required to start said vehicle engine comprising at least one member of the following group: the engagement of said set of gears; the engagement of said transmission clutch; the engagement of said engine clutch; and the operation of said vehicle 5. Fiala lacks the teaching of a transmission clutch. Heidemeyer teaches an engine starting method comprising an engine 1, a starter motor 2, and a plurality of gears 3, wherein the starter motor starts the engine via an engine clutch 4, and is connected to the gears via a transmission clutch 5. It would have been obvious to one of ordinary skill at the time of the invention to modify Fiala to employ a transmission clutch in view of Heidemeyer in order to start the engine without load and adjust the engine by pure field regulation (Col. 3).

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fiala in view of Kato as applied to claim 14 above, and further in view of Nakao. Fiala teaches the method, wherein said step of checking the status of one or more engine system further comprises the step of: detecting whether said multi-position ignition switch is in a pre-determined position. Fiala lacks the teaching of evaluating the amount of time the vehicle engine has idled without a start attempt. Nakao teaches an engine starting control, wherein the amount of time the vehicle engine has idled without a start attempt is evaluated before engine starting S580. It would have

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been obvious to one of ordinary skill in the art at the time of the invention to modify Fiala to employ engine idle time evaluation in view of Nakao in order to ensure a smoothly started and rapidly stabilized engine (paragraphs 77-78).

Allowable Subject Matter

Claims 16 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Otsuka, Shimasaki and Hoang have been cited to show similar engine starting controls.

FACSIMILE TRANSMISSION

Submission of your response by facsimile transmission is encouraged. Group 3600's facsimile number is (703) 305-3597. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase a patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as the PTO's mail room processing and delivery time. For a complete list of correspondence not permitted by facsimile transmission, see MPEP 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses

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requiring a fee which applicant is paying by check should not be submitting by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP 512). The following is an example of the format the certification might take:

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Typed or printed name of person signing this certificate:

(Signature)


If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response after your response has been transmitted by facsimile will only cause further unnecessary delays in the processing of your application; duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roger L Pang whose telephone number is 703-305-0445. The examiner can normally be reached on 5:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor can be reached on 703-308-0830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Roger L Pang
Patent Examiner
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September 30, 2004